

Remarks

Introduction

Claims 1-28 are pending in the application.

Claims 2-4, 6-10, 12-14, 16-18, 20-24, and 26-28 are withdrawn from consideration.

Claims 1, 11, 15, and 25 are rejected under 35 U.S.C. § 102(e) as being anticipated by Stronach U.S. Patent 6,722,980 (hereinafter "Stronach").

Claims 5 and 19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Stronach in view of Acres et al. U.S. Patent 6,364,768 (hereinafter "Acres").

The Examiner's rejections are respectfully traversed.

Applicants' Reply to the Rejections
Under 35 U.S.C. § 102(e)

Claims 1, 11, 15, and 25 are rejected under 35 U.S.C. § 102(e) as being anticipated by Stronach.

In response to applicants' arguments filed February 11, 2005, the Examiner contends that Stronach teaches determining if a wagerer is to be recognized based on the wagering history of the wagerer, as required by applicants' independent claims 1 and 15 (See Office Action, page 4). More particularly, the Examiner contends that this feature of applicants' claims is taught by Stronach's use of a wagering record in a wager database to signal the appropriate wagering terminal to initiate payout of winning wagers to the user (See Id.).

According to applicants' independent claim 1, if a wagerer is determined to be recognized based on the wagerer's wagering history, the wagerer is provided with an incentive. Incentives may be provided in order to induce and reward certain wagerers (See applicants' specification, page 2, lines 5-6). For example, incentives may include providing a special greeting to

the wagerer, discounts for services, credits to accounts, free or discounted wagering, gifts, etc. (Id., page 10, line 31 through page 11, line 15). These incentives are provided to recognize preferred wagerers and are not linked to the outcome of a wager. Accordingly, applicants respectfully submit that providing an incentive to a wagerer is not the same as providing a payout of a winning wager.

Further, Stronach also refers to providing incentives to wagerers that are distinct from providing payouts of winning wagers. For example, Stronach also teaches providing prizes to certain wagerers upon the submission of their wagers. These prizes include, for example, a credit to the users wagering account (Id., column 10, line 66 though column 11, line 5). Thus, Stronach also shows that providing incentives to wagerers is not the same as providing payouts of winnings wagers.

Accordingly, applicants respectfully submit that initiating the payout of winning wagers based on a wagering record is not the same or similar to applicants' claimed feature of providing incentives to wagerers based on their wagering histories.

In addition, applicants respectfully maintain that the prizes of Stronach also do not show applicants' claimed feature of determining if the wager is to be recognized based on the wagering history of the wagerer and providing an incentive to the wagerer if the wagerer is to be recognized.

In contrast to the incentives of applicants' independent claim 1, the prizes of Stronach are not provided to wagerers based on the their wagering histories. Instead, the prize selection algorithm of Stronach may "simply be a random seed" or may "provide a prize after every certain amount of wager submissions through the wagering terminal" (Id., column 11, lines 6-

9). In another embodiment in which "the prize selection algorithm is implemented across the wagering system, the prize selection may determine to provide a prize to a particular wagering terminal after every certain amount of wager submission through wagering terminals throughout the wagering system" (Id., lines 9-14). As such, the incentives of Stronach are provided either randomly or based on the amount of wager submissions received from one or many wagering terminals and not based on the wagering history of a wagerer, as required by applicants' independent claims 1 and 15.

For at least these reasons, Stronach fails to show or suggest determining if a wagerer is to be recognized based on the wagering history of the wagerer and providing an incentive to the wagerer if the wagerer is to be recognized, as required by applicants' independent claims 1 and 15. Accordingly, applicants' respectfully request that the rejection of claims 1 and 15 over Stronach under 35 U.S.C. § 102(e) should be withdrawn.

Claims 11 and 25 depend from independent claims 1 and 15, respectively. Accordingly, for at least this reason the rejection of dependent claims 11 and 25 should also be withdrawn.

Applicants' Reply to the Rejections
Under 35 U.S.C. § 103(a)

Claims 5 and 19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Stronach in view of Acres.

Claims 5 and 19 depend from independent claims 1 and 15, respectively. Accordingly, for at least this reason the rejection of dependent claims 5 and 19 should also be withdrawn.

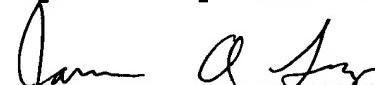
Contingent Request for Telephonic Interview

If for any reason the Examiner is unable to allow this application based on this Reply, applicants request a telephonic interview with the Examiner before issuance of a final Office Action.

Conclusion

For at least the reasons set forth above, applicants respectfully submit that this application is in condition for allowance. Reconsideration and prompt allowance of this application are respectfully requested.

Respectfully submitted,



James A. Leiz
Reg. No. 46,109
Attorney for Applicants
Fish & Neave IP Group
ROPES & GRAY LLP
Customer No. 1473
1251 Avenue of the Americas
New York, New York 10020-1105
Tel.: (212) 596-9000